

AMENDED IN SENATE MAY 1, 2007
AMENDED IN SENATE APRIL 23, 2007
AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 516

Introduced by Senator Aanestad

February 22, 2007

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Aanestad. Shasta County Watermaster District.

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the Shasta County Watermaster District. The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the board of supervisors of Shasta County, on or before February 1, 2008, to appoint members of the board of directors who shall hold office until successor members are elected and qualified. Upon their election by the voters of the district, the bill would require the members of the board to classify themselves by lot into 2 classes. The first class would have 4 members with terms of office of 4 years, and the 2nd class would have 3 members with terms of office of 2 years. The bill would require

that thereafter all members serve on the board for a term of 4 years. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to owners of certain other eligible parcels that are a place of use for water rights under a specified decree for which the department is not the watermaster. By imposing election duties on Shasta County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Shasta County Watermaster District Act. It is intended to
3 supplement the Water Code and reads as follows:

4
5 SHASTA COUNTY WATERMASTER DISTRICT ACT

6
7 Article 1. Creation

8
9 101. This act shall be known and may be cited as the Shasta
10 County Watermaster District Act.

11 102. (a) A watermaster district is hereby created in Shasta
12 County to be known as the Shasta County Watermaster District.

13 (b) The district shall be governed by a board of directors as
14 specified in Section 401, shall have boundaries as prescribed in
15 Section 201, and shall exercise the powers granted by this act for
16 purposes of acting as watermaster over those decreed water rights
17 whose places of use are within Shasta County and for which the
18 Superior Court for the County of Shasta has appointed the district
19 as the watermaster, together with other powers and duties that are
20 reasonably implied and necessary and proper to carry out the

purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost effective and responsible enforcement of existing decreed water rights within Shasta County is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the Superior Court for Shasta County is for the common benefit of the owners of those decreed water rights within Shasta County and for the protection of agricultural and economic productivity.

Article 2. Boundaries

201. The exterior boundaries of the district shall be the exterior boundaries of the County of Shasta.

202. The district is divided into the following service areas:

(a) Burney Creek Service Area, *consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated January 30, 1926, entered in Black v. Grinnell, et al. (Super. Ct. Shasta County, 1926, No. 5111).*

(b) Hat Creek Service Area, *consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated May 14, 1924, entered in Doyel, et al. v. Massie, et al. (Super. Ct. Shasta County, 1924, No. 5724) and the judgment and decree, dated, May 7, 1935, entered in Doyel, et al. v. Wilcox, et al. (Super. Ct. Shasta County, 1935, No. 7858).*

(c) North Fork Cottonwood Creek Service Area, *consisting of the territory within the County of Shasta that is covered by the decree, dated June 9, 1920, entered in Bee Creek Ditch & Water Company v. Happy Valley Land & Water Co., et al. (Super. Ct. Shasta County, 1920, No. 5479).*

(d) North Cow Creek Service Area, *consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated April 29, 1932, entered in Lemm, et al. v. Rutherford, et al. (Super. Ct. Shasta County, 1932, No. 5804), the judgment and decree, dated July 22, 1932, entered in Colby, et al. v. Strayer, et al. (Super. Ct. Shasta County, 1932, No. 5701), and the judgment and decree, dated October 4, 1937, entered in Millville Ditch Co. v. Hufford, et al. (Super. Ct. Shasta County, 1937, No. 6904).*

(e) Digger Creek Service Area, *consisting of the territory within the County of Shasta that is covered by the decree, dated August 12, 1899, entered in Cransberry, et al. v. Edwards, et al. (Super. Ct. Tehama County, 1899, No. 2213), the judgment, dated June 9, 1913, entered in Wells, et al. v. Pritchard, et al. (Super. Ct. Tehama County, 1913, No. 3214), the judgment, dated October 16, 1917, entered in Harrison, et al. v. Kaler, et al. (Super. Ct. Tehama County, 1917, No. 3327), and the judgment, dated February 24, 1927, entered in Herrick, et al. v. Forward, et al. (Super. Ct. Tehama County, 1927, No. 4570).*

Article 3. Definitions

301. Unless otherwise indicated by their context, the definitions set forth in this article govern the construction of this act.

302. “Appointed decree” means a decree for which the district is appointed the watermaster by the court.

303. “Appointed parcel” means a parcel of real property within the district that is a place of use for water rights under an appointed decree.

304. “Board of directors” or “board” means the board of directors of the district.

305. “Contracted parcel” means an eligible parcel whose owner has entered into a contract with the district to provide watermaster service for that parcel.

306. “County” means Shasta County.

307. “Court” means the Superior Court for the County of Shasta.

308. “Decree” or “decrees” means any water right decree, entered by the court, which adjudicates water rights within the county in which the decreed points of diversion are within the county.

309. “Department” means the Department of Water Resources.

310. “District” means the Shasta County Watermaster District.

311. “Eligible parcel” means a parcel of real property within the district that is a place of use for water rights under a decree that is not an appointed decree, and for which the department is not the watermaster.

312. “Fund” means the fund designated by the court, or by the district in the absence of a designation by the court, into which

1 assessments levied by the district shall be paid by the county upon
2 collection.

3 313. "Owner" means a person who is an owner of a real
4 property within the district that is a place of use for water rights
5 under a decree parcel.

6 314. "Person" means any state or local governmental agency,
7 private corporation, firm, partnership, individual, group of
8 individuals, or, to the extent authorized by law, any native tribe
9 or federal agency.

10 315. "Voter" means an owner of an appointed or contracted
11 parcel.

12
13 Article 4. General Provisions
14

15 401. (a) The board of directors shall govern the district and
16 shall exercise the powers of the district as set forth in this act.

17 (b) The board of directors of the district shall consist of seven
18 members, as follows:

19 (1) Two members shall be voters owning appointed parcels or
20 contracted parcels within the Burney Creek Service Area. These
21 members shall be elected at large from the Burney Creek Service
22 Area.

23 (2) Two members shall be voters owning appointed parcels or
24 contracted parcels within the Hat Creek Service Area. These
25 members shall be elected by the voters within the Hat Creek
26 Service Area.

27 (3) One member shall be a voter owning an appointed parcels
28 or contracted parcel within the North Fork Cottonwood Creek
29 Service Area. This member shall be elected by the voters within
30 the North Fork Cottonwood Creek Service Area.

31 (4) One member shall be a voter owning an appointed parcel
32 or contracted parcel within the North Cow Creek Service Area.
33 This member shall be elected by the voters within the North Cow
34 Creek Service Area.

35 (5) One member shall be a voter owning an appointed parcel
36 or contracted parcel within the Digger Creek Service Area. This
37 member shall be elected by the voters within the Digger Creek
38 Service Area.

1 (c) A quorum of the board of directors shall be four members.
2 A majority of affirmative votes of the full membership of the board
3 shall be required to take an action.

4 (d) (1) On or before February 1, 2008, the board of supervisors
5 of Shasta County shall appoint the members of the board of
6 directors of the district with the qualifications required by
7 subdivision (b), as if the Superior Court of Shasta County had
8 appointed the district as watermaster. The members of the board
9 of directors appointed pursuant to this paragraph shall hold office
10 until their successors are elected and qualified.

11 (2) At the first opportunity to conduct an election, the voters
12 shall elect the members of the board of directors. At the first
13 meeting of the board of directors following that election, the
14 members of the board of directors shall classify themselves by lot
15 into two classes. One class shall have four members and the other
16 class shall have three members. For the class that has four
17 members, the term of office shall be four years. For the class that
18 has three members, the term of office shall be two years.
19 Thereafter, the terms of all members of the board of directors shall
20 be four years.

21 (3) Except as provided in paragraphs (1) and (2), the term of
22 office for a member of the board of directors shall be four years.

23 ~~(3)~~

24 (4) Members of the board of directors may be reelected.

25 (e) Except as otherwise provided in this act, the Uniform District
26 Election Law (Part 4 (commencing with Section 10500) of Division
27 10 of the Elections Code) shall apply to elections within the district.

28 (f) Any vacancy in the office of a member of the board of
29 directors shall be filled pursuant to Section 1780 of the Government
30 Code.

31 402. Consistent with Section 10525 of the Elections Code, for
32 parcels with multiple owners, the owners shall designate in writing
33 to the district, in accordance with a timetable established by the
34 district, a voter from among their number for voting purposes.

35 403. (a) The board shall do all of the following:

36 (1) Act only by ordinance, resolution, or motion.

37 (2) Keep a record of all its actions, including financial
38 transactions.

39 (3) Adopt rules or bylaws for its proceedings.

40 (4) Adopt policies for the operation of the district.

1 (b) ~~(1)~~—The board may do all of the following:

2 ~~(1)~~

3 (A) Provide, by ordinance or resolution, that its members may
4 receive their actual and necessary traveling and incidental expenses
5 incurred while on official business. Reimbursement for these
6 expenses is subject to Sections 53232.2 and 52232.3 of the
7 Government Code. A member of the board of directors may waive
8 any or all of the payments permitted by this paragraph.

9 ~~(2)~~

10 (B) Require any employee, officer, or member of the board to
11 be bonded. The district shall pay the cost of the bonds.

12 (c) Prior to taking office, each elected director shall take the
13 official oath and execute any bond that may be set by the board.

14 404. At the first meeting of the board, and at the first annual
15 meeting each year thereafter, the board shall elect a chairperson
16 and vice chairperson from among its members. The board shall
17 appoint the secretary of the district. The secretary of the district
18 may be a member of the board of directors or a district employee.

19 405. Meetings of the board shall be held pursuant to the Ralph
20 M. Brown Act (Chapter 9 (commencing with Section 54950) of
21 Part 1 of Division 2 of Title 5 of the Government Code).

22 406. The district shall have the following powers:

23 (a) Adopt ordinances following the procedures of Article 7
24 (commencing with Section 25120) of Chapter 1 of Part 2 of
25 Division 2 of Title 3 of the Government Code.

26 (b) Adopt and enforce rules and regulations for the
27 administration, operation, use, and maintenance of the district's
28 facilities and property.

29 (c) Sue and be sued in its own name.

30 (d) Acquire any real or personal property within the district, by
31 contract or otherwise, to hold, manage, occupy, dispose of, convey
32 and encumber the property, and to create a leasehold interest in
33 the property for the benefit of the district. The district shall not
34 have the power of eminent domain.

35 (e) Appoint employees, define their qualifications and duties,
36 and provide a schedule of compensation for performance of their
37 duties.

38 (f) Engage counsel and other professional services.

39 (g) Enter into and perform all contracts. The district shall follow
40 the procedures that apply to the County of Shasta, including, but

1 not limited to the requirements of Article 3.6 (commencing with
2 Section 20150) of Part 3 of Division 2 of the Public Contract Code.

3 (h) Adopt a seal and alter it.

4 (i) Take any and all actions necessary for, or incidental to, the
5 powers expressed or implied by this act.

6 407. (a) The board of directors shall provide for regular audits
7 of the district's accounts and records pursuant to Section 26909
8 of the Government Code.

9 (b) The board of directors shall provide for the annual financial
10 reports to the Controller pursuant to Article 9 (commencing with
11 Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of
12 the Government Code.

13 408. All claims for money or damages against the district are
14 governed by Part 3 (commencing with Section 900) and Part 4
15 (commencing with Section 940) of Division 3.6 of Title 1 of the
16 Government Code.

17 409. The district is not subject to the Cortese-Knox-Hertzberg
18 Local Government Reorganization Act of 2000, Part 3
19 (commencing with Section 56000) of Title 5 of the Government
20 Code.

21 410. The provisions of this act are severable. If any provision
22 of this act or its application is held invalid, that invalidity shall not
23 affect other provisions or applications that can be given effect
24 without the invalid provision or application.

25 26 Article 5. Powers and Duties 27

28 501. The district shall serve as the watermaster for any
29 appointed decree, including, but not limited to, taking specific
30 actions ordered by the court in the administration of that decree
31 or decrees.

32 502. In carrying out its duties as watermaster, the district shall
33 have the powers and duties that are set forth as powers and duties
34 of the department in Part 4 (commencing with Section 4000) of
35 Division 2 of the Water Code, except as modified by the court,
36 and as follows:

37 (a) References to the department in that part shall be deemed
38 to be references to the district.

39 (b) References to the Water Resources Revolving Fund in that
40 part shall be deemed to be references to the fund.

1 ~~(e) Any apportionment of expenses shall comply with the~~
2 ~~requirements of Article XIII C and Article XIII D of the California~~
3 ~~Constitution.~~

4 *(c) Pursuant to Article XIII D of the California Constitution,*
5 *the apportionment of expenses shall be deemed to be property*
6 *related charges for water services.*

7 503. The district may enter into agreements to provide
8 watermaster service to owners of eligible parcels where all owners
9 of an eligible parcel have executed the agreement. An agreement
10 to provide watermaster services to an eligible parcel shall include
11 a provision that the owners agree to pay in full for the service prior
12 to the provision of service. The amount to be paid shall be
13 determined to ensure that the provision of the watermaster service
14 to contracted parcels does not increase the cost of the watermaster
15 service to appointed parcels.

16 SEC. 2. The Legislature finds and declares that this act, which
17 is applicable only to the Shasta County Watermaster District, is
18 necessary because of the unique and special water problems in the
19 area included in the district. It is, therefore, hereby declared that
20 a general law within the meaning of Section 16 of Article IV of
21 the California Constitution cannot be made applicable to the district
22 and the enactment of this special law is necessary for the
23 conservation, development, control, and use of that water for the
24 public good.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 a local agency or school district has the authority to levy service
28 charges, fees, or assessments sufficient to pay for the program or
29 level of service mandated by this act, within the meaning of Section
30 17556 of the Government Code.